

AMENDED IN SENATE AUGUST 10, 2006

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 21, 2006

AMENDED IN ASSEMBLY MAY 30, 2006

AMENDED IN ASSEMBLY APRIL 25, 2006

AMENDED IN ASSEMBLY APRIL 17, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2714

Introduced by Assembly Member Torrico

February 24, 2006

An act to add Section 12317 to the Penal Code, relating to ammunition.

LEGISLATIVE COUNSEL'S DIGEST

AB 2714, as amended, Torrico. Ammunition.

Existing law generally regulates the sale of ammunition.

This bill would provide, subject to exceptions, that no handgun ammunition ~~or reloaded handgun ammunition~~ may be delivered pursuant to a retail transaction *by a common or contact carrier* unless the purchaser personally presents bona fide evidence of his or her identity and age, as specified, to the ~~seller of the ammunition carrier~~ and ~~that the delivery container contain~~ *contains* specified language. Violation of these provisions would be an offense punishable by imprisonment in a county jail for a term not to exceed 6 months, or by a fine not to exceed \$1,000, or by both imprisonment and that fine, with increased penalties for 2nd or subsequent violations.

The bill would provide that it does not apply to *handgun* ammunition or reloaded ammunition that is rimfire ammunition.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12317 is added to the Penal Code, to
2 read:

3 12317. (a) ~~No handgun ammunition or reloaded handgun~~
4 ~~ammunition may be delivered pursuant to a retail transaction~~
5 ~~unless the purchaser presents in person his or her bona fide~~
6 ~~evidence of majority and identity to the seller of the ammunition.~~

7 (1) *Handgun ammunition may not be delivered by a seller to a*
8 *purchaser via a common or contract carrier pursuant to a retail*
9 *transaction except as provided in paragraph (2). A seller of*

10 (2) *A seller of handgun ammunition may comply with this*
11 *section by requiring a common carrier or contract carrier to*
12 *obtain the signature of the purchaser and view bona fide evidence*
13 *of identity and that the purchaser is 21 years of age or older*
14 *before delivering handgun ammunition shipped to the purchaser*
15 *within this state. The common carrier or contract carrier shall*
16 *return a copy of the signed receipt to the seller. The seller shall*
17 *retain the copy of the signed receipt as evidence of compliance*
18 *with this section. The container being delivered by the common*
19 *or contract carrier must have the following language, in at least*
20 *14 point type, conspicuously placed on it, stating: "SIGNATURE*
21 *AND BONA FIDE EVIDENCE OF IDENTITY REQUIRED.*
22 *PURCHASER MUST BE AGE 21 YEARS OR OLDER FOR*
23 *DELIVERY."*

24 (b) Any person, corporation, or dealer who delivers
25 ~~ammunition or reloaded ammunition designed and intended to be~~

1 ~~used in a handgun~~ *handgun ammunition* in violation of this
2 section shall be punishable by imprisonment in a county jail for a
3 term not to exceed six months, or by a fine not to exceed one
4 thousand dollars (\$1,000), or by both imprisonment and that fine.

5 (c) A second or subsequent violation of this section is
6 punishable by imprisonment in a county jail not to exceed one
7 year, by a fine not to exceed two thousand dollars (\$2,000), or by
8 both imprisonment and that fine.

9 (d) (1) “Bona fide evidence of majority and identity” means a
10 document issued by a federal, state, county, or municipal
11 government, or subdivision or agency thereof, including, but not
12 limited to, a motor vehicle operator’s license, state identification
13 card, identification card issued to a member of the armed forces,
14 or other form of identification that bears the name, date of birth,
15 description, and picture of the person.

16 (2) “Handgun ammunition” means handgun ammunition as
17 defined in subdivision (a) of Section 12323.

18 (e) Subdivision (a) shall not apply to or affect the deliveries,
19 transfers, or sales of handgun ammunition to any of the
20 following:

21 (1) Authorized law enforcement representatives of cities,
22 counties, cities and counties, or state and federal governments for
23 exclusive use by those government agencies if, prior to the
24 delivery, transfer, or sale of, written authorization from the head
25 of the agency employing the purchaser or transferee, identifying
26 the employee as an individual authorized to conduct the
27 transaction, and authorizing the transaction for the exclusive use
28 of the agency employing the individual.

29 (2) Sworn peace officers, as defined in Chapter 4.5
30 (commencing with Section 830) of Title 3 of Part 2 who are
31 authorized to carry a firearm in the course and scope of their
32 duties.

33 ~~(3) Ammunition or reloaded ammunition that is rimfire~~

34 (3) *Rimfire* ammunition is exempt from this section.

35 (f) Nothing in this section shall be construed to prevent a local
36 government from regulating ammunition sales in a manner that is
37 more strict than that specified herein.

38 SEC. 2. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the
3 penalty for a crime or infraction, within the meaning of Section
4 17556 of the Government Code, or changes the definition of a
5 crime within the meaning of Section 6 of Article XIII B of the
6 California Constitution.

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